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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,491	10/19/1999	HIDEKAZU TAKEYAMA	040679/0951	2877

7590 12/10/2002

FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET NW
SUITE 500
WASHINGTON, DC 200075109

EXAMINER

RAJGURU, UMAKANT K

ART UNIT PAPER NUMBER

1711

DATE MAILED: 12/10/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on Aug 08, 2002 (paper nos 17 & 18)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☐ Claim(s) 2 and ~~10-13~~ 3-13 is/are pending in the application.
- Of the above claim(s) 3-9 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2 and 10-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received
- in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. An RCE (paper no. 17) has been filed on August 08, 2002.

An amendment (paper no 18) has been filed on August 08, 2002.

2. Claims 2 and 10-13 are under examination.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakshmanan et al (USP 4857594).

This rejection is incorporated hence by reference from prior office actions paper no 8 &

11.

It is true that Lakshmanan discloses melt adhesive, composition. Examiner looks at it as

MR an adhesive irrespective of whether it is a melt adhesive, a pressure sensitive adhesive or any other type of an adhesive. Hence Applicants' arguments (on page 6 of paper no 13) which are directed to pointing out the difference between the claimed adhesive and that of Lakshmanan are not persuasive.

On page 7 of same paper, the applicants show that Run no 6 of Lakshmanan teaches against the claimed invention. It is to be noted that examples are illustrative and not limitative of the disclosed invention. Applicants' showing is therefore not persuasive.

MR Applicants' argument (~~page no.~~ ^{page} 9 of same paper) that wax of Lakshmanan does not read on (claimed) plasticizer is not acceptable since wax is a hydrocarbon and wax acts as a plasticizer.

Applicants argue that amorphous polypropylene of Lakshmanan is excluded from scope of instant claim 10 due to transitional conjunction "consisting essentially of" in view of the

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previous by submitted declaration (paper no. 14). The said declaration is not probative to establish monobviousness of instant claims since it is devoid of data showing any comparison with Lakshmanan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



U. K. Rajguru/mn
December 3, 2002



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700